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DATE: May 24, 2005
TO: Commissioner for Patents
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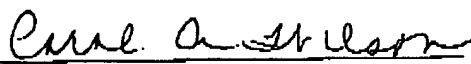
FROM: Carol A. Wilson
Paralegal, IP Group
RE: Application No.: 09/829,393 (Confirmation No. 8969)
Filed: April 10, 2001
Applicants: McHenry et al.
Group Art Unit: 3625
Examiner: N. Rosen
Attorney Docket: BP9454

Attached please find the following documents:

- Response to Informality Re Payment of Fee
- Copy of Fee Calculation Sheet

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on May 24, 2005, by:


Carol A. Wilson

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Michael E. McHenry, Irwin) PATENT APPLICATION
L. Goldblatt, Charles S.)
Seymour, Myron G. Brown,)
Anthony D. Smith)
)
APPLICATION NO.: 09/829,393) Group Art Unit: 3625
CONFIRMATION NO.: 8969)
)
FILED: April 10, 2001) Examiner:
N. Rosen
)
FOR: CUSTOMIZED MOTOR OIL) Attorney Docket No.:
SELECTION) BP9454-00

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Response to Informality Re Payment of Fee

Commissioner
for Patents
P.O. Box 1450
Alexandria, VA
22313-1450

Sir:

With respect to the above-identified application, a notice of Informality Re Payment of Fee was received on May 11, 2005 with an illegible PTOL-319 form. According to the handwritten portion of the form, a balance of \$50.00 is due in connection with an Amendment filed on September 2, 2004. Applicants respectfully disagree that a balance of \$50 is due.

Attached please find a copy of the original fee calculation sheet. That sheet shows a total of 41 claims (33 plus 8 additional claims for multi-dependency); two Independent claims and 39 dependent claims. A filing Fee of

\$1488 was sent to the patent office on August 14, 2001 and was calculated as follows: \$710 basic filing fee + \$378 for claims over 20 + \$270 for multiple dependent claims + \$130 surcharge = \$1488. The Filing Receipt confirms that \$1488 was received.

According to the Informality Re Payment of Fee an additional \$50 is owed in connection with the Amendment filed on September 2, 2004. However, that amendment cancelled claim 33 and added no new claims. Applicants did file an Amendment on March 15, 2005 that added new claim 34, however, this brought the total number of claim back up to 41 claims which Applicants already paid for as explained above. Thus, it is respectfully submitted that Applicants do not owe a balance of \$50 for additional claims. Added by amendment.

If the Clerk believes that Applicants are incorrect, please contact the Attorney for the Applicants at the phone number listed below.

Correspondence Address:
BP America Inc.
Docket Clerk, BP Legal, M.C. 5East
4101 Winfield Road
Warrenville, Illinois 60555
Customer No. 04249

Respectfully submitted,



Jennifer M. Hall

Attorney for the Applicants

Registration Number 38,169

(630)821-2446

In re Patent Application of:

McHENRY et al

Serial No. 09/829,393

Filed: April 10, 2001

For: CUSTOMIZED MOTOR OIL SELECTION

Attention: Application Branch

Atty. Dkt. 608-281

Date: August 14, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR
☐ Signed Declaration plus attached copy of originally filed specification/drawings.
☒ NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED form.
☒ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
Application Number Country Day/Month/Year Filed

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.
☒ Also attached: ☒ Explanation of Fee Calculation and Payment

Fees due are calculated below:

Basic filing fee					\$	710.00
Total Effective claims	41	- 20 =	21	x \$	18.00	\$ 378.00
Independent claims	2	- 3 =	0	x \$	80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)						\$ 270.00
FILING FEE						\$ 1,358.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months; \$1390.00/4 months)						\$ 0.00
Surcharge (\$130.00) if Declaration or filing fee first now submitted						\$ 130.00
FIRST SUBTOTAL						\$ 1,488.00
If "small entity," enter half (1/2) of subtotal and subtract						-\$ 0.00
SECOND SUBTOTAL						\$ 1,488.00
Assignment Recording Fee (\$40.00)						\$ 40.00
TOTAL FEE DUE						\$ 1,528.00
Check enclosed (Pre-Bill)*						\$ 1528.00
Check enclosed (non Pre-Bill)*						\$
TOTAL FEE ENCLOSED						\$ 1528.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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BHD:lmv

NIXON & VANDERHYTE P.C.
By Atty: Bryan H. Davidson, Reg. No. 30,251

Signature: 

*For N&V internal accounting purposes